

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CONSTANCE MARIE MILLICK
P O Box 61617
Reno, NV 89506

Registered Nurse License No. 612705

Respondent

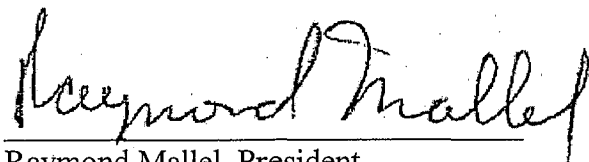
Case No. 2012-173

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **September 19, 2012.**

IT IS SO ORDERED **August 20, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 DIANN SOKOLOFF
Supervising Deputy Attorney General
4 State Bar No. 161082
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-173

12 **CONSTANCE MARIE MILLICK**
Post Office Box 61617
13 Reno, NV 89506
14 **Registered Nurse License No. 612705**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

Respondent.

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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Interim Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, and
23 by Diann Sokoloff, Supervising Deputy Attorney General.

24 2. Respondent Constance Marie Millick (Respondent) is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about January 30, 2003, the Board of Registered Nursing issued Registered
27 Nurse License No. 612705 to Constance Marie Millick (Respondent). The Registered Nurse
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1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 2012-173 and will expire on March 31, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-173 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on September
7 26, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2012-173 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 2012-173. Respondent has also carefully read, and understands the effects of this
12 Stipulated Settlement and Disciplinary Order for Public Reprimand.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 2012-173.

25 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
26 agrees to be bound by the Board of Registered Nursing (Board)'s probationary terms as set forth
27 in the Disciplinary Order below.
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IT IS FURTHER ORDERED that within one year from the effective date of this decision, Respondent shall pay \$1127.50 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her Registered Nurse License until Respondent pays costs in full.

I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reapproval. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order for Public Reapproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

dated:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ALFREDO TERRAZAS
Senior Assistant Attorney General


DIANN SOKOLOFF
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2012-173

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Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
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6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2012-173*

12 **CONSTANCE MARIE MILLICK, a.k.a.**
13 **CONSTANCE MARIE WOOD, a.k.a.**
CONSTANCE MARIE ALEXANDER
14 **Post Office Box 61617**
Reno, NV 89506
15 **Registered Nurse License No. 612705**

A C C U S A T I O N

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about January 30, 2003, the Board of Registered Nursing issued Registered
24 Nurse License Number 612705 to Constance Marie Millick, also known as Constance Marie
25 Wood, also known as Constance Marie Alexander (Respondent). The Registered Nurse License
26 was in full force and effect at all times relevant to the charges brought in this Accusation and will
27 expire on March 31, 2012, unless renewed.
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1 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

2 8. Code section 4021 states:

3 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
4 11053) of Division 10 of the Health and Safety Code.”

5 9. Code section 4022 provides:

6 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in
7 humans or animals, and includes the following:

8 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
9 prescription,’ ‘Rx only’ or words of similar import.

10 “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale
11 by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

12 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
13 prescription or furnished pursuant to Section 4006.”

14 10. Percocet is the trade name for the combined generic substance Oxycodone
15 Hydrochloride and Acetaminophen and is a Schedule II controlled substance as defined by Health
16 and Safety Code section 11055, subdivision (b)(1)(M), and a dangerous drug under Code section
17 4022. It is a semisynthetic narcotic analgesic with multiple actions qualitatively similar to those
18 of morphine. Oxycodone can produce drug dependence of the morphine type and, therefore, has
19 the potential for being abused. Repeated administration of Percocet may result in psychic and
20 physical dependence.

21 COST RECOVERY

22 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline)

(Bus. & Prof. Code §2761, subd. (a)(4))

12. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about March 19, 2009, in a disciplinary action before the Nevada State Board of Nursing (Nevada Board), the Nevada Board entered an Agreement for Probation (Agreement) placing Respondent's Nevada registered nurse license on probation for two years under various terms and conditions. The Agreement required Respondent to: (1) within the first two years of the Agreement, take and successfully complete one 30 hour course in legal ethics, one 30 hour course in documentation in nursing, and the Nevada Nurse Practice Act web-based course; (2) abstain from the use of alcohol and all mood altering drugs and controlled substances except when absolutely required for documented medical treatment; (3) notify the Nevada Board in writing of any change of address; (4) have her license marked "restricted" throughout the probationary period; (5) at least 12 times per year, submit to random urine, blood, or other tests for drugs or abuse or alcohol whenever requested by her counselor, supervisor, or a representative of the Nevada Board; (6) during the first year of the Agreement, attend a minimum of 1 meeting of the Nevada Board during which disciplinary hearings are held; (7) prior to commencing work, obtain the Nevada Board's approval for all employment sites requiring a nursing license or certificate; (8) notify the Nevada Board in writing within 72 hours after commencement or termination of any nursing employment; (9) be employed in a setting in which direction is provided by a registered nurse; (10) not function as a supervisor, including as a head nurse or charge nurse, for a minimum of 1 year and unless approved by the Compliance Coordinator or the Disability Advisory Committee, or both; (11) not work more than 90 hours in a 2 week period; (12) provide a complete copy of the Agreement to her employer and immediate supervisor prior to commencing work; (13) cause her nursing supervisor to submit a written report prior to Respondent commencing work and quarterly written reports to the Nevada Board regarding Respondent's work attendance, reliability, ability to carry out assigned nursing functions, and ability to handle stress; (14) submit monthly self-reports regarding her progress,

1 ability to handle stress, her mental and physical health, current job duties and responsibilities,
2 ability to practice nursing safely, and any changes in her plan for meeting the stipulations of the
3 Agreement; (15) attend an orientation meeting to facilitate her understanding and accountability
4 of the terms and conditions of the Agreement; (16) meet with Nevada Board upon request and
5 cooperate with representatives of the Nevada Board in their supervision and investigation of
6 Respondent's compliance with the terms and conditions of the Agreement; (17) be financially
7 responsible for all requirements of the Agreement; (18) provide a copy of the Agreement to any
8 other state Board of Nursing in whose jurisdiction she has been issued a nursing license or
9 certificate or has applied or will apply for a nursing license or certificate; and (19) obey all laws
10 and report any violations to the Nevada Board within 72 hours.

11 13. The underlying conduct supporting the Nevada Board's disciplinary action is that
12 from on or about May 2008, through June 2008, while working as a registered nurse at a hospital
13 in Nevada, Respondent removed Percocet from the MedSelect system, failed to document
14 administering the Percocet, and failed to document wasting the Percocet. The MedSelect system
15 is an automated drug dispensing system that allows caregivers to store, dispense, and track
16 medications in patient care areas. Respondent admitted that her conduct was unprofessional as
17 defined by Nevada law and that she failed to properly document controlled substances.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
20 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

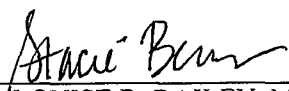
21 1. Revoking or suspending Registered Nurse License Number 612705, issued to
22 Constance Marie Millick, also known as Constance Marie Wood, also known as Constance Marie
23 Alexander;

24 2. Ordering Constance Marie Millick, also known as Constance Marie Wood, also
25 known as Constance Marie Alexander to pay the Board of Registered Nursing the reasonable
26 costs of the investigation and enforcement of this case, pursuant to Business and Professions
27 Code section 125.3;
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3. Taking such other and further action as deemed necessary and proper.

DATED: September 26, 2011

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit B

Letter of Public Reproval in Case No. 2012-173



August 20, 2012

Constance Marie Millick
P O Box 61617
Reno, NV 89506

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Accusation Against:
Constance Marie Millick, Registered Nurse License No. 612705

Dear Ms. Millick:

On September 26, 2011, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation under Business and Professions Code section 2761, subdivision (a)(4), against your California Registered Nurse License No. 612705 because your Nevada registered nurse license was placed on probation for two years for failing to document administration and wasting of Percocet while working as a registered nurse at a Nevada hospital.

Taking into consideration the fact that you have been licensed by the California Board since 2003 without any prior disciplinary action, you have fully complied with the Nevada Board's probation terms and conditions, and you have provided compelling mitigation information, including several performance evaluations from your place of employment, the Board has determined that you are safe to practice registered nursing and that the charges alleged in the Accusation warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of consumer Affairs issues this letter of public reproof.

Sincerely,

Louise R. Bailey M.Ed., RN
LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California